

Application No.: 10/663,909
Amdt. Dated: August 14, 2006
Reply to Office Action Dated: July 13, 2006

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REMARKS

Claims 2-18, 20-44, 47-49, 51 and 52 are pending. Claims 17, 18 and 29-36 are withdrawn. The Examiner required restriction to one of the following groups under 35 U.S.C. 121:

- I. Claims 2-16, 20-28, 37-44, 51 and 52, drawn to an applicator/dispenser assembly;
- II. Claims 47-49, drawn to a method of applying/dispensing adhesive material onto a substrate.

Applicants elect Group I, with traverse for the reasons set forth below.

Restriction Requirement

There are two criteria for a proper requirement for restriction between patentably distinct inventions: the inventions must be independent or distinct as claimed and there would be a serious burden on the examiner if restriction is not required. MPEP §803. If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions. MPEP §803.

An election of species in this application was made according to a telephone interview September 30, 2004. A first office action was mailed November 16, 2004, incorporating the species election requirement. A response to the first office action was filed April 18, 2005, and a second office action was mailed June 29, 2005. A response to the second office action was filed October 13, 2005, and a third office action was mailed January 25, 2006. A response was filed to the third office action April 25, 2006. The claims now subject to restriction were examined together already three times, as shown by the three office actions issued. Since the claims have already been examined together three times, the search and examination of all the claims in the application must be possible without serious burden. In view thereof, and in view of the possibility of the application of rejoinder in any event, Applicants respectfully traverse the restriction requirement and request that the pending claims be examined together.

As a final note, claims 17, 18 and 29-36 have been withdrawn pursuant to a species election. However, because these claims all ultimately depend from generic claims that are now believed to be allowable, Applicants respectfully request that the claims to the non-elected species be rejoined, examined and allowed. As noted in the Office Action mailed November 16, 2004, upon the allowance of a generic claim, Applicants are entitled to

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consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

For the foregoing reasons, claims 2-18, 20-44, 47-49, 51 and 52 are considered allowable. A Notice to this effect is respectfully requested. If any questions remain, the Examiner is invited to contact the undersigned at the number given below.

Respectfully submitted,

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 14, 2006

Jennie Sneed
(Typed Name of Person Signing Certificate)

Jennie Sneed
(Signature of Person Signing Certificate)

Date of Signing: August 14, 2006